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April 18, 2022

VIA ECF

Honorable Cecelia G. Morris
United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, New York 12601-3315

Re: *Picard v. Estate of James M. Goodman et al.*, Adv. Pro. No. 10-04762 (CGM)

Dear Judge Morris:

We are counsel to Irving H. Picard, trustee (the “Trustee”) for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–lll and the chapter 7 estate of Bernard L. Madoff.

In response to Defendants’ letter of today, the Trustee has no objection to relying on his submissions in support of his Motion for Summary Judgment in the above-captioned proceeding in lieu of the April 20, 2022 hearing. *See* ECF Nos. 104–10, 116–17.

The Trustee respectfully submits that as set forth in his papers, he is entitled to judgment as a matter of law because Defendants failed to respond to the Trustee’s Statement of Material Facts and failed to provide their own statement of facts, as required by Local Rule 7056-1(c). Failure to do so renders the Trustee’s statements “deemed admitted for purposes of the motion,” and without any facts in dispute, Defendants cannot raise a genuine issue of material fact. Local Rule 7056-1(d). Notwithstanding, Defendants’ reliance on the opposition filed in the *Picard v. Jacob M. Dick Rev. Living Trust DTD 4/6/01 et al.*, Adv. Pro. No. 10-04570 (CGM), is equally faulty as it sets forth arguments that have already been resolved by this Court and by the District Court through summary judgment. *Picard v. Keller Fam. Tr.*, 634 B.R. 39 (Bankr. S.D.N.Y. 2021); *Picard v. Miller*, 631 B.R. 1 (Bankr. S.D.N.Y. 2021); *Picard v. Est. of Seymour Epstein*, Adv. Pro. No. 10-04438 (CGM) (Bankr. S.D.N.Y. Jan. 27, 2021), ECF No. 155; *Picard v. JABA*

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Assocs. LP, 528 F. Supp. 3d 219 (S.D.N.Y. 2021); *Picard v. Lisa Beth Nissenbaum Tr.*, No. 20 cv. 3140 (JGK), 2021 WL 1141638 (S.D.N.Y. Mar. 24, 2021).

The Trustee further is entitled to pre-judgment interest of 4% from the filing date and any other relief the Court deems proper. *In re BLMIS LLC*, No. 1:21-cv-02334-CM, 2022 WL 493734*20 n.8 (S.D.N.Y. Feb. 17, 2022).

We thank Your Honor for consideration of this matter.

Respectfully submitted,

s/ Nicholas J. Cremona

Nicholas J. Cremona

cc: All attorneys of record via ECF.